

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN RE: PERSEVERANCE MARINE,
LLC

PERSEVERANCE MARINE, LLC,

Petitioner,

Case No.: 2:19-cv-534-FtM-38NPM

ORDER¹

Before the Court is United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation ("R&R"). ([Doc. 33](#)). Judge Mizell recommends granting Petitioner's motion for default judgment. Neither Petitioner nor any claimant timely objected, so the matter is ripe.

A district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#); *see also Williams v. Wainwright*, 681 F.2d 732, 732 (11th Cir. 1982). Without a specific objection, the judge need not review factual findings de novo. [28 U.S.C. § 636\(b\)\(1\)](#); *see also Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). But the district court reviews legal conclusions de novo, even without an objection. *Cooper-Houston v. S. Ry.*, 37 F.3d 603, 604 (11th Cir. 1994).

After a careful, complete, and independent examination of the file, the Court accepts and adopts Judge Mizell's well-reasoned R&R in full.

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Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 33](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
2. Petitioner's Motion for Entry of Final Default Judgment for Exoneration from Liability Against All Claimants Not Filing a Claim in This Action ([Doc. 32](#)) is **GRANTED**.
3. The Clerk is **DIRECTED** to **enter a default judgement** in favor of Perseverance Marine, LLC, as owner of the 16' 2009 Nautica tender, hull identification number PTJ6074E909, her engines, tackle, and appurtenances, against all Claimants who have not timely filed claims or answers in response to the Petition for Exoneration From or Limitation of Liability ([Doc. 1](#)).
4. As this appears to resolve the case, Petitioner is **DIRECTED** to file a notice on whether the Court can close the file **on or before May 22, 2020**. **The failure to file a notice will result in the case being closed without further notice.**

DONE and **ORDERED** in Fort Myers, Florida this 8th day of May, 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record